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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,262	12/20/2000	Travis C. Riley	3587/00-410	8352
7590	07/15/2004		EXAMINER	
William C. Norvell, Jr. BEIRNE, MAYNARD & PARSONS, L.L.P. Suite 2500 1300 Post Oak Boulevard Houston, TX 77056-3000			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 07/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/745,262	RILEY, TRAVIS C.
	Examiner Charles R Kyle	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 December 2000.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-52 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-52 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 2, 3, 14, 19, 20, 31, 36 and 37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**As to Claims 2, 3, 19, 20, 36 and 37**, they recites the phrase “maintaining at least one of the following electronic file formats and sortable by individual customer identification”. The phrasing is confusing because it is not clear whether sorting by customer identification is actually performed. Additionally each of the Claims refers to a “customer’s without account.” The meaning of this phrase is unclear and a review of the Specification provides no insight as to what is meant.

**With respect to Claims 14 and 31**, the recitation of the word “attempts” makes it unclear whether processing actually occurs. As can best be determined from the Claim language, an account is setup at an initial time with subsequent processing occurrences spaced apart by designated time periods.

Examination of the Claims has been done to the best of the Examiner’s ability, given the ambiguity of the language.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Blossman et al* in view of *Using Microsoft Outlook 98*, hereinafter *Outlook 98*.

**With respect to Claim 1**, *Blossman* discloses the invention substantially as claimed, including in a method incorporating a financial institution computer system (Fig. 1) for extracting financial data within a data base in the computer system, formatting the data and transmitting the formatted data via electronic mail the steps of:

- a) Maintaining electronic information on financial accounts of a customer within said database in the financial institution computer system (Col. 7, line 61 to Col. 8, line 2; Col. 8, line 59 to Col. 9, line 7);
- b) Processing said electronic information within the database to identify and extract pre-selected data therefrom (Fig. 3, ele. 98b; Col. 10, line 44 to Col. 11, line 9);
- c) Electronically formatting said data for transmission to said customer via electronic mail (Col. 4, lines 10-39); and
- d) Transmitting the formatted data to a location designated by said customer via electronic mail (Abstract, Col. 6, line 66 to Col. 7, line 13; Col. 17, lines 39-56).

*Blossman* does not specifically disclose that the data is stored within and readout from the computer system of a user. *Outlook 98* discloses that email is stored on a user system at page 325 and readout at pages 321-322. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to include the storage and readout steps of *Outlook 98* because this would provide the final function necessary to present the formatted financial data to the user.

**With respect to Claim 2,** *Blossman* discloses a sortable customer identification code at Fig. 5A “Tax ID/SSN 999-99-9999” for data formatted as a checking account at Figs. 5A-5C and Col. 14, lines 16-42.

**Concerning Claim 3,** *Blossman* discloses a mini trial balance for checking accounts at Col. 14, lines 16-25, Col. 14, lines 51-54 and Fig 5I. These are disclosed as generated on a predetermined time increment basis at Abstract.

**With respect to Claim 4,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* is fundamentally concerned with email distribution of formatted financial data but does not specifically disclose the menu selections recited in Claim 4. The Examiner notes that these selections are common functions of email administration, and are disclosed by *Outlook 98* as follows:

- a) Customers - *Outlook 98* discloses addition of email recipients, in the case of *Blossman* customers, at pages 266-272.
- b) Options and Verify at pages 303-304. Verify is read as verification that a customer has received and/or read the email.
- c) Enable auto email at pages 351-316.

- d) Generate email at pages 296-298.
- e) Broadcast at pages 388-389.
- f) Help at page 19.
- g) Exit at page 492.

See also *Blossman* at pages 575-580 which discloses that menu selections can be customized as to arrangement. Applicant's claims recite no particular tree structure of the selections.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to provide the email administration selections disclosed by *Outlook 98* because this would allow the financial institution to specify structure and function for the financial data to be presented to customers.

**As to Claim 5,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* does not specifically disclose a main menu selection of customers for data distribution. *Outlook 98* discloses a menu selection of persons to whom data is to be transmitted at pages 266-272. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to use the menu selection to designate customers to whom to send such data of *Outlook 98* because this would make use of a familiar and accessible email tool to direct financial data from the financial institution to customers.

**Concerning Claim 6,** *Blossman* discloses a mapping of a customer numerical identifier and an email address at Col. 15, lines 1-9.

**As to Claim 7,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* does not specifically disclose a menu item for optionally

charging for data transmitted to a customer. Official Notice is taken that it was old and well known to optionally charge customers for select banking services. For example, bank charges for maintenance of low balance checking accounts are commonly imposed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to provide a menu option to allow charging for certain services or items because this would help the financial institution to defray costs associated with the account.

**As to Claim 8,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* does not specifically disclose confirmation of an email address through reading by the customer. *Outlook 98* discloses confirmation of an email address through reading by the customer at page 304. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to confirm valid email addresses as in *Outlook 98* because this would confirm that each email sent out was received/read at a valid email address.

**As to Claim 9,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* does not specifically disclose suspending data transmission to the customer. *Outlook 98* discloses this imitation at page 361. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to provide a menu option to suspend data transmission to a customer because this would assure that only customers on an updated address list received financial information from the institution.

**As to Claim 10,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* does not specifically disclose prohibiting advertising being sent to a customer. Official Notice is taken that it was old and well known to block advertisements at

the time of the invention. For example, it was common to block “pop-up” advertisements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to prevent inclusion of advertisements in email from the institutions because this would avoid alienating customers with annoying ads.

**With respect to Claim 11,** *Blossman* discloses transmission of an interest rate calculation at Fig. 5A, “Interest Earned” and “Annual Percentage Yield Earned.”

**With respect to Claim 12,** *Blossman* discloses customer name and email address at Col. 15, lines 1-9. *Blossman* does not specifically disclose an add/edit field in a menu to complete or change these items. *Outlook 98* discloses such menu functions at page 326 and pages 49-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to include the add/edit menu functions of *Outlook 98* because this would allow the financial institution to maintain up-to-date customer records.

**Concerning Claim 13,** *Blossman* discloses sorting transactions for a designated account of a customer identifier at Fig. 5B, “Checks in Number Order”.

**With respect to Claim 14,** *Blossman* discloses establishment of an account for which processing is done based on designated time spacing at Col. 5, lines 16-26.

**As to Claim 15,** *Blossman* discloses account balance and account transactions at Figs. 5A-5C and Col. 14, lines 16-42.

**With respect to Claim 16,** *Blossman* discloses the invention substantially as claimed. See the discussion of Claim 1. *Blossman* does not specifically disclose verification of file availability and access. Official Notice is taken that it was old and well known at the time of the invention to verify file availability and access. For example, access permissions and file locking

were used to preserve file integrity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to verify file availability and access because this would prevent unauthorized access to the files or modification of files by multiple persons.

**With respect to Claim 17**, see the discussion of Claim 4. *Blossman* does not specifically disclose broadcasting manually generated messages with financial data. Official Notice is taken that it was old and well known at the time of the invention to broadcast manually generated messages with financial data. For example, it was known to provide “inserts” or generalized information to all customers of an institution. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Blossman* to broadcast so as to provide generally applicable information to all customers.

**Concerning Claims 18-34**, they are system forms of Claims 1-17 and are rejected in a like manner. *Blossman* further discloses a computer system to perform the method steps of Claims 1-17 at Figs. 1, 3 and 4 and Cols. 7-14.

**Concerning Claims 35-52**, they are apparatus forms of Claims 1-17 and are rejected in a like manner as below.

**With respect to Claims 35-47**, see the discussion of Claims 1-14.

**As to Claim 49**, see the discussion of Claim 14.

**Concerning Claims 48 and 50**, see the discussion of Claim 15.

**With respect to Claims 51-52**, see the discussion of Claims 16-17.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
July 8, 2004

Examiner Charles Kyle

